

Nos. 22-15529, 22-15532, 22-15534, 22-15535, 22-15536,
22-15537, 22-15626, 22-15627, 22-15628

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEFENDERS OF WILDLIFE, et al.,
Plaintiffs/Appellees,

v.

UNITED STATES FISH AND WILDLIFE SERVICE, et al.,
Defendants/Appellants

and

STATE OF UTAH, et al.,
Intervenor Defendants-Appellants.

Appeal from the United States District Court for the Northern District of California
Nos. 4:21-cv-344, 4:21-cv-349, and 4:21-cv-561 (Hon. Jeffrey S. White)

**AGRICULTURAL GROUPS' UNOPPOSED MOTION
FOR SEVEN-DAY EXTENSION OF TIME TO FILE OPENING BRIEFS**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Circuit Rule 31-2.2(b), Intervenor-Appellants American Farm Bureau Federation, National Cattlemen's Beef Association, Public Lands Council, and American Sheep Industry Association ("Agricultural Groups") respectfully request a seven-day extension of time—until September 20, 2024—to file their opening briefs. Currently, opening briefs are due September 13, 2024. This is the Agricultural Groups' first individual

request for an extension of time to file their opening briefs. The Agricultural Groups previously participated in Federal Appellants' request for a 59-day extension, which the Court granted by its Order of August 22, 2024. Dkt. 30.

Counsel for the Agricultural Groups has conferred with the other parties about this request. Intervenor-Appellant State of Utah joins in the request and requests a commensurate seven-day extension in order to allow additional time for the approval process for Utah's opening brief. Intervenor-Appellants National Rifle Association of America, Inc. and Safari Club International do not oppose and request a commensurate seven-day extension for their opening briefs, to promote an efficient and streamlined briefing process. Federal Appellants do not oppose the extension request. If the Court grants the motion, Federal Appellants request that the government's opening brief deadline be aligned with intervenors for efficiency and coordination. Plaintiffs-Appellees do not oppose the extension sought by this motion.

The Court may grant a motion for an extension of time upon a showing of good cause. Fed. R. App. P. 26(b). “‘Good cause’ is a non-rigorous standard that has been construed broadly across procedural and statutory contexts.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010).

In support of this request, counsel for the Agricultural Groups states as follows:

1. The Agricultural Groups' opening brief is presently due September 13, 2024. This motion requests a seven-day extension to September 20, 2024.
2. I have been diligently working on the opening brief for the Agricultural Groups; however, recent developments have made compliance with the September 13 deadline difficult.
3. First, I was required to prepare a motion to dismiss and a response to a preliminary injunction motion on a very short timeline to September 3 in a matter in Umatilla County Circuit Court.
4. Second, in a matter where I am lead counsel, the Lake County Circuit Court has set a hearing on a preliminary injunction/temporary restraining order motion for September 13.
5. Preparation for these matters, particularly the September 13 hearing, substantially interferes with the time needed to finalize the Agricultural Groups' brief and obtain review from the coalition members.
6. A brief extension to September 20 will alleviate these issues and the brief will be filed by September 20.
7. This extension is sought in good faith and not for the purpose of delay.

For these reasons, the Agricultural Groups respectfully request that the September 13, 2024 deadline for filing opening briefs be extended by seven days, up to and including September 20, 2024.

Respectfully submitted this 9th day of September, 2024.

SCHWABE, WILLIAMSON & WYATT, P.C.

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CERTIFICATE OF COMPLIANCE

This motion complies with Rule 27(d) of the Federal Rules of Appellate Procedure as the motion contains 483 words according to the count of Microsoft Word and has been prepared in a proportionally-spaced typeface using Times New Roman 14 pt. font.

/s/ Lawson E. Fite
LAWSON E. FITE